

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 20472 of 2012 (O&M)

Date of decision: 28.05.2015

Santokh Singh

...Petitioner

Versus

The Joint Registrar Cooperative Societies, Patiala and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. M.S. Kang, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. B.S. Sehra, Advocate
for respondent No.3.

Jitendra Chauhan, J. (Oral)

The above writ petition filed under Articles 226/227 of the Constitution of India has been filed for quashing of resolution dated 16.04.2006, order dated 29.06.2011, passed by respondent No.2 and order dated 11.06.2012 passed by respondents Nos. 1.

The learned counsel for the petitioner contends that the society had been acting illegally. After passing resolution Annexure P-1, the committee passed resolution dated 12.08.2006 and canceled plots of 12 members but after being approached by eight of them who came to know about it, their plots were restored. Four plots

were sold to members of the committee or their near relations, vide resolution dated 24.09.2006. Resolution (Annexure P-1) and resolutions of the committee dated 12.08.2006 and 24.09.2006 were being kept as closely guarded secret. Record of the society was not being shown to the Inspector in charge of the society, therefore, he made a report to Assistant Registrar Cooperative Societies, Ludhiana (East) who placed the society under suspension. Protracted litigation followed which came to end with the removal of the committee and expiry of its term in February/March, 2010. The learned counsel further contends that the Committee has cancelled four plots illegally.

On the other hand, the learned counsel for respondents contends that the three quasi judicial authorities have scrutinized the case, this Court will not interfere in the functions of the society under the exercise of its jurisdiction.

I have heard the learned counsel for the parties and have gone through the case file and record carefully with their able assistance.

It appears that the main grouse of the petitioner is regarding illegal cancellation of four plots and thereafter allotment of the same to the near friends and relatives. It is worthwhile to mention here that the party aggrieved by the cancellation of four plots did not come forward to challenge the action of the society in cancellation of

the plots and thereafter allotted the same to the various persons. In the circumstances, petitioner has no locus standi to challenge the same. The petitioner has filed many such petitions against the society which are being dismissed vide judgments of even date. The writ petition is not maintainable as no fundamental right of the petitioner has been violated by the society.

In Ashok Kumar Vs. Sita Ram, 2001(1) Apex Court Journal 681, in para No. 10, it has been held as under:-

“The position is too well settled to admit of any controversy that the finding of fact recorded by the final Court of fact should not ordinarily be interfered with by the High Court in exercise of writ jurisdiction, unless the Court is satisfied that the finding is vitiated by manifest error of law or is patently perverse. The High Court should not interfere with a finding of fact simply because it feels persuaded to take a different view on the material on record.”

In para No. 17 of the above judgment, it has been held as under:-

“The question that remains to be considered is whether the High Court in exercise of writ jurisdiction was justified in setting aside the order of the Appellate Authority. The order passed by the Appellate Authority did not suffer from any serious illegality, nor can it be said to have taken a view of the matter which no reasonable person was likely to take. In that view of the matter there was no justification for the High Court to

interfere with the order in exercise of its writ jurisdiction. In a matter like the present case where orders passed by the statutory Authority vested with power to act quasi judicially is challenged before the High Court, the role of the Court is supervisory and corrective. In exercise of such jurisdiction, the High Court is not expected to interfere with the final order passed by the Statutory Authority unless the order suffers from manifest error and if it is allowed to stand it would amount to perpetuation of grave injustice. The Court should bear in mind that it is not acting as yet another Appellate Court in the matter. We are constrained to observe that in the present case the High Court has failed to keep the salutary principles in mind while deciding the case.”

Accordingly, the present petition is dismissed as such.

28.05.2015

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(JITENDRA CHAUHAN)
JUDGE